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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,368	10/25/2001	Kaoru Fujimoto	52433/664	8712

26646 7590 08/13/2003

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EXAMINER

PRICE, ELVIS O

ART UNIT

PAPER NUMBER

1621

DATE MAILED: 08/13/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,368

Applicant(s)

FUJIMOTO ET AL.

Examiner

Elvis O. Price

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 11-28 is/are pending in the application.
- 4a) Of the above claim(s) 5, 11, 12, 16, 22 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 28 is/are allowed.
- 6) ☒ Claim(s) 13, 14 and 27 is/are rejected.
- 7) ☒ Claim(s) 17-21 and 23-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Applicants' election of Group II (Claims 13-15, 17-21, 23-25, 27 and 28) in Paper No. 7 is acknowledged. Because applicants' did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 5, 11, 12, 16, 22 and 26 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

A statement reading, "This Application is a 371 of PCT/JP01/01386, filed 2/23/2001.", should be entered following the title of the invention or as the first sentence of the specification.

Information Disclosure Statement

The information disclosure statement filed 10/25/01 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 14 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sie et al. {US Pat. 4,888,361}.

Sie et al. disclose a process for producing methanol, comprising reacting carbon monoxide with an alcohol in the presence of an alkaline earth metal-type catalyst to produce a formic ester, which is hydrogenated in the presence of a hydrogenolysis catalyst and hydrogen to obtain methanol (see Col. 4, lines 59-68 through Col. 5, lines 1-25). Sie et al. also teach a catalyst for producing methanol which may be obtained by loading an alkaline earth metal-type catalyst on a solid hydrogenolysis catalyst for formic ester (see Col. 2, lines 10-68 through Col. 3, lines 1-59).

Claim Objections

Claims 17-21 and 23-25 are objected to because of the following informalities: Claims 17-21 and 23-25 depend from claims, which have been previously cancelled by applicants' preliminary amendment, filed 10/25/01. Appropriate correction is required.

Allowable Subject Matter

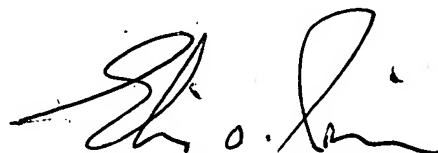
The following is a statement of reasons for the indication of allowable subject matter: Claims 15 and 28 are unobvious over the prior art of record because the prior art of record does not teach or suggest the presently claimed catalyst system, which is composed of an alkali or alkaline earth metal-type catalyst and containing Copper simultaneously with Manganese or Rhenium.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elvis O. Price whose telephone number is 703 605-1204. The examiner can normally be reached on 8:30 am to 5:00 pm; Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 703 308-4532. The fax phone numbers for the organization where this application or proceeding is assigned is 703 308-4556 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.

A handwritten signature in black ink, appearing to read 'Elvis O. Price', with a stylized, cursive script.

Elvis O. Price

August 6, 2003